

PROB 12B
(7/93)

Report Date: August 3, 2011

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 08 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Kevin Lee McDaniel

Case Number: 2:98CR00035-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 9/22/1998

Type of Supervision:

Original Offense:

Date Supervision Commenced:

Original Sentence: Prison - 180 Months; TSR - 60
Months

Date Supervision Expires:

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 14 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 16 You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of probation be modified to authorize a maximum of six random drug tests per month.

Recent contact with Mr. McDaniel suggests that the above-mentioned special condition #16 is appropriate. In an attempt to provide Federal funding, if necessary, it is requested that the Court modify the conditions of supervision to include the above-referenced condition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/03/2011

s/Tommy Rosser

Tommy Rosser
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Fred Van Bockle

Signature of Judicial Officer

August 8, 2011
Date